

The Candler Building
127 Peachtree Street NE, Suite 605
Atlanta, GA 30303-1840
404-521-9900
Fax 404-521-9909
SouthernEnvironment.org

February 21, 2013

Via Electronic Mail

U.S. Environmental Protection Agency Region 4 Freedom of Information SNAFC Bldg, 61 Forsyth Street., S.W., 9th Flr Atlanta, GA 30303-8960 r4foia@epa.gov

Re: Freedom of Information Act Request – EZBase and Rayonier Forest Resources, L.P. Property in Charlton County, Georgia

To Whom It May Concern:

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, as amended, the Southern Environmental Law Center ("SELC") hereby requests any information, documents, and correspondence that EPA Region 4 has relating to the disposal or use of a coal-ash product called "EZBase" produced at Jacksonville Electric Authority's ("JEA") Northside Generating Station in Jacksonville, Florida. Specifically, SELC is seeking information about EZBase and its application to Georgia road surfaces proximate to waters of the United States.

The following information may be helpful in processing this FOIA request. It is our understanding that in 2006, JEA began marketing a coal-ash residual from its Northside Generating Station in Jacksonville, Florida, as a road construction material called "EZBase." Since 2006, EZBase has been used as a surfacing product on roads in Florida and Georgia. In Georgia, application and stockpiling of EZBase has occurred in Charlton County and Camden County and possibly other locations. SELC is seeking any information or documents EPA has relating to any use or application of EZBase to roads or property in Georgia, particularly as the information pertains to waters of the United States. On May 31, 2012, the Georgia Department of Natural Resource's Environmental Protection Division ("EPD") granted a variance from state solid waste handling rules to JEA so that the company could apply EZBase to a road owned by Rayonier Forest Resources, L.P. and located in Charlton County, Georgia. The road location is approximately six miles south of St. George, Georgia, just east of Georgia State Road 121/23. The road crosses several tributaries of the St. Marys River, including Mill Branch Creek, Spring Branch Creek, Tiger Creek, and Green Branch Creek. In September-October 2012, JEA applied EZBase to approximately five miles of the project road on Rayonier-owned property in Charlton County, Georgia. A copy of EPD's variance for this project is attached to this FOIA request.

government and of potential or proposed major policy initiatives. We further certify that disclosure of the information sought is not primarily in the commercial interest of the requester.

Should our request for reduced or waived fees be denied, we are prepared to bear the reasonable duplication and search costs necessary to fulfill this request, although we request that you contact us before processing this request to discuss fees. We reserve our rights to appeal a fee waiver or reduction denial.

If you have any questions regarding this request, please feel free to call me at 404-521-9900. Thank you for your time and consideration.

Sincerely,

Lauren Joy

Associate Attorney

Attachment

21 West Church Street

Jacksonville, Florida 32202-3139

June 29, 2011

Mr. Jeffrey W. Cown Program Manager Solid Waste Management Program Georgia Department of Natural Resources **Environmental Protection Division** 4244 International Parkway Suite 104 Atlanta, Georgia 30354

JUL - 5 905

SOLD THIS IS MANAGEMENT HELPSWARE



ELECTRIC

Subject:

Variance Request for EZBase Beneficial Use Demonstration Project

Dear Mr. Cown:

We appreciate the assistance you and your staff have provided as JEA has prepared the required documentation for this Variance Request submittal. As you know, the purpose of the proposed EZBase Beneficial Use Demonstration is to develop sufficient data to demonstrate the safety and effectiveness of the use of EZBase as a roadway construction material in Georgia. If, as expected, EZBase is approved for use as a roadway material in Georgia, the results will be a savings of resource extraction and borrow pits currently needed to produce cement or roadway base materials in locations where EZBase can economically be used as a substitute

Attached you will find the following documents:

- Variance Request Statement of Basis;
- EZBase Beneficial Use Demonstration Project Sampling and Analysis Plan,
- EZBase Product Sampling and Analysis Report.

We believe that the attached Variance Request provides information suitable to support the Georgia Environmental Protection Division's approval of our request. On behalf of JEA, I request that you review this information and provide approval of our Variance Request so that we may schedule the Beneficial Use Demonstration as described in the Sampling and Analysis Plan.

I look forward to your response and to working together on this important project. Please contact me at (904) 665-8126 or schusw@jea.com if you have any Sincerely.

Scott W. Schultz, Directo

Byproduct Services

VARIANCE REQUEST STATEMENT OF BASIS JEA/Rayonier Forest Resources, L.P. Fossil Fuel Combustion Ash Variance Request Chariton County, Georgia Demonstration Location

1.0 Background

Fossil Fuel Combustion (FFC) ash is produced from the burning of fossil fuels (i.e., coal, petroleum coke), including ash, slag, and particulates removed from flue gas. JEA produces FFC Ash that is marketed as a construction material under the name EZBase ®. EZBase is processed from the byproduct of the circulating fluidized bed (CFB) boilers located at JEA's Jacksonville, Florida Northside Generating Station (NGS). These CFBs are fueled by a combination of coal and petroleum coke. Linestone is added during the power generation process to create thermal mass and to aid in the removal of sulfurous gas emissions. At the conclusion of this generation process, two dry byproducts are generated: fly ash and bed ash. These byproducts are mixed with water to create a slurry that is further processed into the value-added product, EZBase.

Byproduct from a solid fuel CFB plant, such as the JEA NGS facility, is distinct from that of conventionally fired boilers (e.g., pulverized coal, fuel oil) because it is composed primarily of lime and gypsum (calcium oxides and calcium sulfate, respectively). Less than 10% by weight of CFB byproduct actually represents what would generally be termed "ash" from combustion of traditional fossil fuels. Over 90% by weight of CFB byproduct is a result of the addition of limestone to the boilers. Thus, the byproduct from a CFB plant is not "ash" in the typical sense, and is not solely the remnant material from conventionally-fired boilers. Because it is primarily composed of lime and gypsum, EZBase has excellent concrete would otherwise be used.

Rayonier Forest Resources, L.P. owns and maintains large forest land holdings in southeast Georgia. Rayonier holdings are primarily planted with pine which is cultivated and harvested for sale to companies which produce container board and paper products. Rayonier's forest roads are generally constructed of native sands which are prone to poor conditions in both wet and dry weather; these roads are often impassable unless extensive maintenance efforts are employed. Rayonier has utilized EZBase as a roadway construction material for its Florida forest holdings with good success in improving the day-to-day condition and usability of its forest roadways. (Note: EZBase has been approved for use in Florida by the Florida Department of Environmental Protection.)

Rayonier is very interested in the use of EZBase on its Georgia holdings as well. JEA believes that EZBase qualifies as a "Recovered Material" as defined in §391-34-.04(7) of the Georgia Rules for Solid Waste Management when it is used for specified applications, and, in such cases, is excluded from regulation as an "Industrial Solid Waste" and a "Solid Waste" under the Georgia Comprehensive Solid Waste Management Act, O.C.G.A. 12-8-20 et seq. (GCSWMA). The purpose of this variance request is to provide sufficient information to the Georgia Department of Natural Resources Environmental Protection Division (GAEPD) through the proposed demonstration project to enable GAEPD to determine if it concurs that EZBase qualifies as a "Recovered Material" when used for specified applications. Consequently, JEA is seeking a variance for the proposed demonstration project to proceed.

VARIANCE REQUEST STATEMENT OF BASIS JEA/Rayonier Forest Resources, L.P. Fossil Fuel Combustion Ash Variance Request Charlton County, Georgia Demonstration Location

JEA representatives have held extensive discussions with the GAEPD regarding performance of a heneficial use demonstration project of EZBase in Georgia. Rayonier has offered existing forest roads on a portion of their Charlton County holdings for improvement with EZBase. This Statement of Basis for FFC Ash Variance Request addresses the regulatory criteria pertinent to the GAEPD's review and 2.0

Demonstration Project Parameters

Identification of Fossil Fuel Combustion Ash Subject to Proposed Variance 2.1

EZBase, a combination of fly ash and bed ash processed from the byproduct of the CFB boilers located at 2.2

Demonstration Project Test Location

The test section will be located on Rayonier Forest Holdings property in Charlton County, approximately 6 miles south of St. George, and just east of Georgia State Road 121/23. Approximately 5 miles of existing forest roadway will be improved with EZBase and are included in the test section. The roadway width is typically 10 to 12 feet. At least one year-round flowing creek is included within the test section.

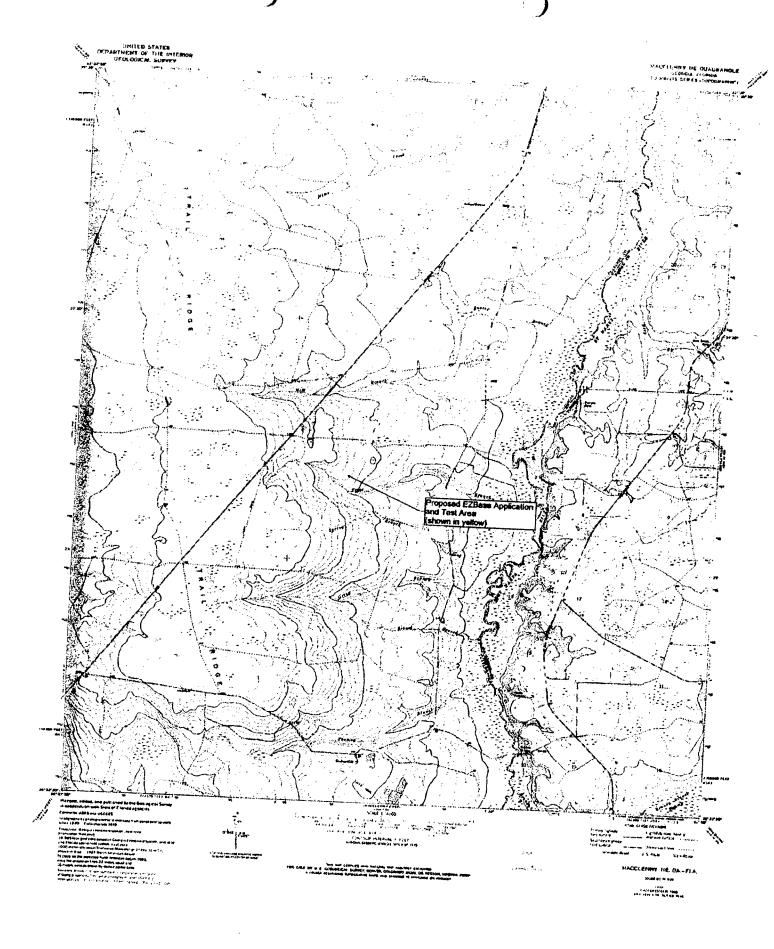
For the purposes of the demonstration project, JEA will instruct the selected contractor to place EZBase no nearer than 100 feet to surface waters; however, the use of this buffer is understood to be without prejudice to use of buffer and setback requirements that are applicable in respective local jurisdictions for

3.0 Statutory Authority for Granting a Variance

The GCSWMA, at O.C.G.A. §12-8-23.1(a)(11) grants the GAEPD Director the authority to "grant variances in accordance with this part and the rules and regulations promulgated under this part, provided that such variances are not inconsistent with any applicable federal act and rules or regulations promulgated under such federal act". Additionally, O.C.G.A. §12-8-21(b) states that "It is further declared to be the policy of the State of Georgia to educate and encourage generators and handlers of solid waste to reduce and minimize to the greatest extent possible the amount of solid waste which requires collection, treatment, or disposal through source reduction, reuse, composting, recycling, and other methods and to promote markets for and engage in the purchase of goods made from recovered materials and goods which are recyclable." The Georgia Hazardous Site Response Act (HSRA), at §12-8-94, incorporates the Director's authority provided by O.C.G.A §12-8-65(a)(14) of the Georgia Hazardous Waste Management Act "to grant variances in accordance with this article and the rules and regulations promulgated under this article, provided that such variances are not inconsistent with the federal act and rules or regulations promulgated thereunder." 4.0

Rationale for Granting Variance

The purpose of this variance is to allow a beneficial use demonstration of the use of EZBase as a replacement material for conventional roadway construction materials. This is a one-time, site-specific variance request; it is not intended to be a blanket variance for the use of EZBase as a construction material. The variance is supported by the policy of the State of Georgia "to educate and encourage generators and handlers of solid waste to reduce and minimize to the greatest extent possible the amount



Georgia Department of Natural Resources

Environmental Protection Division 4244 International Parkway, Suite 104, Atlanta, Georgia 30354 Mark Williams, Commissioner Judson H. Turner, Director (404)362-2692

May 31, 2012

Mr. Scott W. Schultz JEA Director of Byproduct Services 21 West Church Street Jacksonville, Florida 32202-3139

> Approval of a Variance from the Re: Definition of Solid Waste for Jacksonville Electric Authority (JEA) EZBase Beneficial Use Demonstration Pilot Project - Charlton County

Dear Mr. Shultz:

The Georgia Environmental Protection Division (EPD) has completed a review of the requirements for the proposed EZBase Beneficial Use Demonstration Pilot Project. Based on documentation provided by the Jacksonville Electric Authority (JEA), the EZBase material consists of Fossil Fuel Combustion (FFC) ash produced from burning of fossil fuels (i.e., coal, petroleum coke) including ash, slag, and particulates removed from flue gas. Specifically, EZBase is processed from the byproduct of the circulating fluidized bed (CFB) boilers located at JEA's Jacksonville, Florida Northside Generating Station (NGS). The proposed project site will be located on Rayonier Forest Holdings property in Charlton County, approximately six miles

EPD hereby approves the proposed variance. JEA is therefore issued a variance from all applicable provisions of the Georgia Comprehensive Solid Waste Management Act, O.C.G.A. 12-8-20 et seg. (GCSWMA) in order to implement the pilot project. Specifically, the EZBase material to be used in the pilot project is excluded from the GCSWMA definitions of "Industrial Solid Waste" at O.C.G.A. §12-8-22(12.1) and "Solid Waste" at O.C.G.A. §12-8-22(33). Because this material will no longer be considered an industrial solid waste or a solid waste, any management provisions of the GCSWMA also no longer apply to the material or property owner.

The variance is subject to the following conditions:

- 1) This is a one-time variance, and is valid only for the location and EZBase material
- 2) The EZBase material shall be placed in the designated area depicted in Figure 1 of JEA's "Sampling and Analysis Plan - EZ Base Beneficial Use Demonstration Project Charlton County, Georgia Pilot Test Location" (Rev.1, September 12, 2011) submitted to
- 3) The chemical composition of the EZBase material to be used for the pilot project shall be consistent with previous analytical results discussed in Section 3.0 of JEA's "Sampling and Analysis Plan - EZ Base Beneficial Use Demonstration Project Charlton County, Georgia Pilot Test Location" (Rev.1, September 12, 2011) submitted to EPD.

JEA EZBase Beneficial Use Demonstration Pilot Project Variance Approval May 31, 2012 Page 2

- 4) Environmental Monitoring during the pilot project shall be conducted according to JEA's "Sampling and Analysis Plan EZ Base Beneficial Use Demonstration Project Charlton County, Georgia Pilot Test Location" (Rev.1, September 12, 2011) submitted to EPD.
- 5) JEA has agreed to collect three samples of the weathered / crumbled EZ Base material formerly placed in Test Pad No. 2 at JEA's Brandy Branch Generating Station, in Jacksonville, Florida. These samples shall be analyzed for all the parameters listed in Table 1 of JEA's "Sampling and Analysis Plan EZ Base Beneficial Use Demonstration Project Charlton County, Georgia Pilot Test Location" (Rev.1, September 12, 2011) except volatile organic compounds, semi-volatile organic compounds, dioxins, and radionuclides. The samples shall be analyzed using 1) the total recoverable method (SW-846 Method 1312).

Should you have any questions regarding this matter, please contact Mr. Jeff Cown at (404) 362-2566.

Judson H. Turner

Director

CC: Keith Bentley - EPD
Jeff Cown - EPD
Coastal District - EPD

Joseph E. Carter - Rayonier

File: Charlton County – JEA EZBase Beneficial Use Demonstration Pilot Study

S:\Land\LANDDOCS\SWCompilance\MCentis\JEA\Variance\JEA Pilot Study_Variance Approval Letter Rev 1_05-31-12.doc

VARIANCE REQUEST STATEMENT OF BASIS JEA/Rayonier Forest Resources, L.P. Fossil Fuel Combustion Ash Variance Request Charlton County, Georgia Demonstration Location

1.0 Background

Fossil Fuel Combustion (FFC) ash is produced from the burning of fossil fuels (i.e., coal, petroleum coke), including ash, slag, and particulates removed from flue gas. JEA produces FFC Ash that is marketed as a construction material under the name EZBase ®. EZBase is processed from the byproduct of the circulating fluidized bed (CFB) boilers located at JEA's Jacksonville, Florida Northside Generating Station (NGS). These CFBs are fueled by a combination of coal and petroleum coke. Limestone is added during the power generation process to create thermal mass and to aid in the removal of sulfurous gas emissions. At the conclusion of this generation process, two dry byproducts are generated: fly ash and bed ash. These byproducts are mixed with water to create a slurry that is further processed into the value-added product, EZBase.

Byproduct from a solid fuel CFB plant, such as the JEA NGS facility, is distinct from that of conventionally fired boilers (e.g., pulverized coal, fuel oil) because it is composed primarily of lime and gypsum (calcium oxides and calcium sulfate, respectively). Less than 10% by weight of CFB byproduct actually represents what would generally be termed "ash" from combustion of traditional fossil fuels. Over 90% by weight of CFB byproduct is a result of the addition of limestone to the boilers. Thus, the byproduct from a CFB plant is not "ash" in the typical sense, and is not solely the remnant material from conventionally-fired boilers. Because it is primarily composed of lime and gypsum, EZBase has excellent cementitious properties that allow it to be used in construction applications where limestone, cement and concrete would otherwise be used.

Rayonier Forest Resources, L.P. owns and maintains large forest land holdings in southeast Georgia. Rayonier holdings are primarily planted with pine which is cultivated and harvested for sale to companies which produce container board and paper products. Rayonier's forest roads are generally constructed of native sands which are prone to poor conditions in both wet and dry weather; these roads are often impassable unless extensive maintenance efforts are employed. Rayonier has utilized EZBase as a roadway construction material for its Florida forest holdings with good success in improving the day-to-day condition and usability of its forest roadways. (Note: EZBase has been approved for use in Florida by the Florida Department of Environmental Protection.)

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VARIANCE REQUEST STATEMENT OF BASIS JEA/Rayonier Forest Resources, L.P. Fossil Fuel Combustion Ash Variance Request Chariton County, Georgia Demonstration Location

JEA representatives have held extensive discussions with the GAEPD regarding performance of a beneficial use demonstration project of EZBase in Georgia. Rayonier has offered existing forest roads on a portion of their Charlton County holdings for improvement with EZBase. This Statement of Basis for FFC Ash Variance Request addresses the regulatory criteria pertinent to the GAEPD's review and approval of the variance request. 2.0

Demonstration Project Parameters

2.1 Identification of Fossil Fuel Combustion Ash Subject to Proposed Variance

EZBase, a combination of fly ash and bed ash processed from the byproduct of the CFB boilers located at JEA's NGS, will be used for the demonstration project. 2.2

Demonstration Project Test Location

The test section will be located on Rayonier Forest Holdings property in Charlton County, approximately 6 miles south of St. George, and just east of Georgia State Road 121/23. Approximately 5 miles of existing forest roadway will be improved with EZBase and are included in the test section. The roadway width is typically 10 to 12 feet. At least one year-round flowing creek is included within the test section.

For the purposes of the demonstration project, JEA will instruct the selected contractor to place EZBase no nearer than 100 feet to surface waters; however, the use of this buffer is understood to be without prejudice to use of buffer and setback requirements that are applicable in respective local jurisdictions for

Statutory Authority for Granting a Variance 3.0

The GCSWMA, at O.C.G.A. §12-8-23.1(a)(11) grants the GAEPD Director the authority to "grant variances in accordance with this part and the rules and regulations promulgated under this part, provided that such variances are not inconsistent with any applicable federal act and rules or regulations promulgated under such federal act". Additionally, O.C.G.A. §12-8-21(b) states that "It is further declared to be the policy of the State of Georgia to educate and encourage generators and handlers of solid waste to reduce and minimize to the greatest extent possible the amount of solid waste which requires collection, treatment, or disposal through source reduction, reuse, composting, recycling, and other methods and to promote markets for and engage in the purchase of goods made from recovered materials and goods which are recyclable." The Georgia Hazardous Site Response Act (HSRA), at §12-8-94, incorporates the Director's authority provided by O.C.G.A §12-8-65(a)(14) of the Georgia Hazardous Waste Management Act "to grant variances in accordance with this article and the rules and regulations promulgated under this article, provided that such variances are not inconsistent with the federal act and rules or regulations promulgated thereunder." 4.0

Rationale for Granting Variance

The purpose of this variance is to allow a beneficial use demonstration of the use of EZBase as a replacement material for conventional roadway construction materials. This is a one-time, site-specific variance request; it is not intended to be a blanket variance for the use of EZBase as a construction material. The variance is supported by the policy of the State of Georgia "to educate and encourage generators and handlers of solid waste to reduce and minimize to the greatest extent possible the amount

VARIANCE REQUEST STATEMENT OF BASIS JEA/Rayonier Forest Resources, L.P. Fossil Fuel Combustion Ash Variance Request Charlton County, Georgia Demonstration Location

of solid waste which requires collection, treatment, or disposal through source reduction, reuse, composting, recycling, and other methods and to promote markets for and engage in the purchase of goods made from recovered materials and goods which are recyclable." [O.C.G.A. §12-8-21(b)].

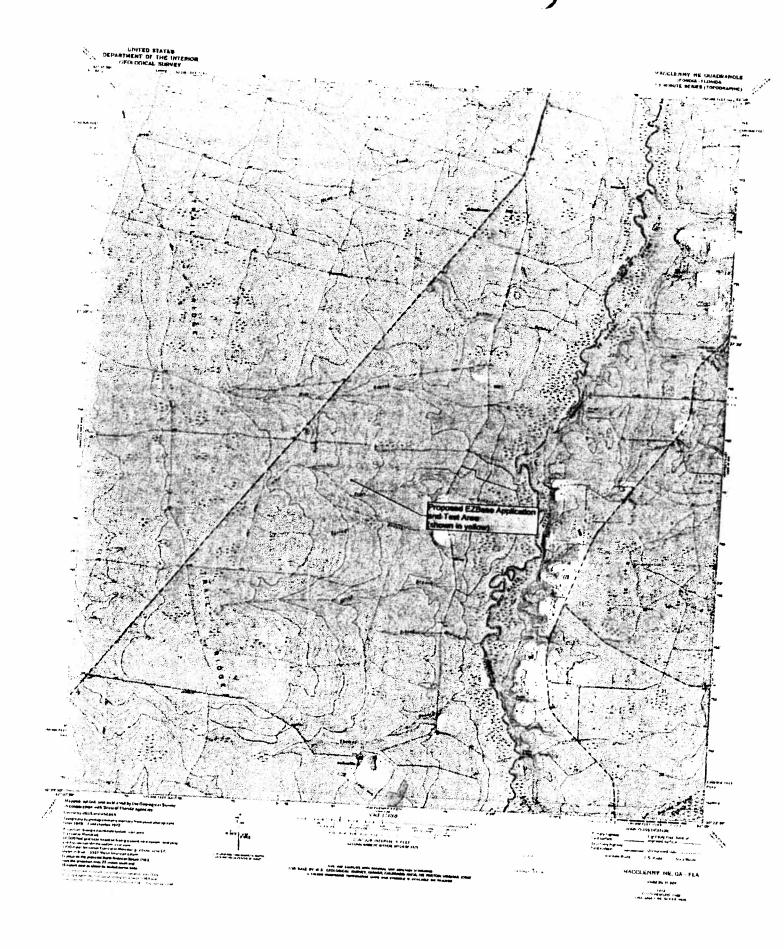
The proposed variance will result in a reduction of resource extraction and borrow pits currently needed to produce cement or roadway base materials in locations where EZBase can economically be used as a substitute material, if, as expected, the demonstration project produces data which validates the safety of the material, as in prior Florida demonstration projects. 5.0

Details of the Variance

JEA, as generator of the FFC product to be used in the demonstration project, and Rayonier Forest Resources, L.P., as owner of the land where the project is to be conducted, will be issued a variance from all applicable provisions of the GCSWMA and HSRA. Specifically, the FFC to be used in the demonstration project is excluded from the GCSWMA definition of "Industrial Solid Waste" at O.C.G.A §12-8-22(12.1) and "Solid Waste" at O.C.G.A §12-8-22(33). Because the FFC will not constitute an Industrial Solid Waste or a Solid Waste, the provisions of the GCSWMA will not apply to the material or property owner. Further, the FFC to be used in the demonstration project is exempted from the HSRA definition of "Hazardous Substance" at O.C.G.A §12-8-92(4) and JEA and Rayonier Forest Resources, L.P. are exempted from being considered a "[p]erson who has contributed or is contributing to a release" as defined by O.C.G.A §12-8-92(9) of HSRA. This exemption also applies to any and all potentially applicable Rules for Solid Waste Management and Hazardous Site Response, specifically, including, but not limited to, rules 391-3-4-.01(67), 391-3-4-.04(7)(f)(4), 391-3-19-.04 and 391-3-19-.05. The Rules for Hazardous Waste Management, at 391-3-11-.07, which incorporate 40CFR261.4(b)(4) by reference, already exempt FFC from being classified as a hazardous waste. 6.0

Conditions for the Variance

- 1. This is a one-time variance and is valid only for the location and FFC described below.
- 2. The FFC shall be emplaced along Rayonier Forest Holdings, L.P. existing forest roads, as shown on the attached Macclenny NE Quadrangle, Georgia-Florida, USGS topographic map.
- 3. The FFC will be from JEA's Northside Generating Station, Jacksonville, Florida. Analytical
- 4. Environmental evaluation of the demonstration project will include quarterly assessment of various media for a minimum of one year as detailed in the methodology set forth in the Sampling and Analysis Plan, EZBase Beneficial Use Demonstration Project, attached. assessment beyond one year will be conducted, if necessary, based on agreement of GAEPD, JEA, and Rayonier Forest Holdings, L.P.
- 5. This variance may not be revoked or changed except under the provisions of O.C.G.A §12-8-30.1



Cody, Karen

From:

Lewis, Monica

Sent:

Wednesday, March 20, 2013 4:51 PM

To:

Cody, Karen

Subject:

RE: EPA-R4-2013-004036 Fee Waiver determination

Karen,

Our office requested that Lauren Joy send a justification letter for the FW to our office. After we receive it from her, we

From: Cody, Karen

Sent: Wednesday, March 20, 2013 10:29 AM

To: Lewis, Monica

Subject: EPA-R4-2013-004036 Fee Waiver determination

Monica:

Was there a fee waiver determination made for this request?

Cody, Karen

From:

foia@erulemaking.net

Sent:

To:

Tuesday, April 16, 2013 2:49 PM Cody, Karen

Subject:

FOIA Task Completed for Fee Waiver

The FOIA Task - Fee Waiver was completed. Additional details for this task are as follows: Task Details:

Request Tracking Number: EPA-R4-2013-004036

Task Type: Fee Waiver

Outcome: Approved

Task Description: Fee Waiver Task

Task Comments: SELC is a non-profit organization with 25 years of experience

dissemination public information regarding EPA regulatory and operations issues

Assigned By: LindaE Green

Date Sent: 02/27/2013

Due Date: N/A

Closed Date: 04/16/2013